IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

MFA.No. 288 of 2002

(Against the award dated 29.1.01 in O.P.(MV)No.1761/97 on the file of the Addl. Motor Accidents Claims Tribunal, Ernakulam)

APPELLANT: PETITIONER

RAJAMMA,AGED 52 YEARS,WIFE OF SRI.SANKARAN,ONAKKAVIL HOUSE,MULANTHURUTHY P.O.

BY ADV. SRI.ANIL S.RAJ

RESPONDENTS: RESPONDENTS
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1. M.S.PETHAMBARAN S/O.SANKU,MANALIPARAMBIL HOUSE,ENATHY P.O.,VAIKOM.

2. E.S.SURESH,S/O.SUKUMARAN,ELANJIKKAL HOUSE,KULASEKHARAMANGALAM P.O.,MARAVANTHURUTHU.

3. THE NATIONAL INSURANCE COMPANY LTD., TRIPUNITHURA.

BY ADV. SRI.MATHEWS JACOB (SR.)

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.F.A.No.288 OF 2002

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Dated this the 31st day of October, 2007

JUDGMENT

Radhakrishnan, J

Appellant was the claimant in the original petition claiming compensation for injuries suffered by her in a motor vehicle accident. The accident had occurred on March 23, 1997. The only question that has come up for consideration in this appeal is whether the compensation awarded by the Tribunal is just and proper. Ext.A10, disability certificate issued by the Orthopedic Surgeon, shows permanent disability of 15%. Tribunal awarded Rs.20,000/- for permanent disability and for the consequential loss of earning power. Considering the entire facts and circumstances, we are inclined to grant an additional amount of Rs.15,000/- more under that head. For pain and suffering, Tribunal awarded Rs.20,000/-. Having regard to the nature of injuries sustained and the period of treatment the claimant had undergone, we are inclined to grant an additional amount of Rs.10,000/-

under that head. Rs.2,000/- was awarded by the Tribunal towards expenses incurred for transport to hospital. Considering the fact that the claimant was admitted in the hospitals for several days, we are inclined to grant an additional amount of Rs.10,000/- under that head. Thus, claimant is now entitled to get an additional amount of Rs.45,000/- with interest at 7.5% from the date of the petition till payment. In all other respects, the award passed by the Tribunal will stand.

This appeal is disposed of.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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